

the correction of abuses and the prevention of frauds." The state "should be at all points wherever her interest required her presence, and should be cognizant of every operation which could affect her as a stockholder or a creditor."¹²

Finally, the report concluded:

It is idle to expect this from the lifeless, skeleton body created by the Constitution. The Legislature must mould it into form and symmetry. Until then, the Commissioners of Public Works will be a dead letter in the Constitution, discharging, it is true, the specific duties marked out for them, but with little satisfaction to themselves and no usefulness to the public.¹³

This rather strong language was quite remarkable in a number of respects. For one thing, despite the plea for adding flesh to what the commissioners perceived as only skeletal constitutional powers, substance only the General Assembly could provide, the entreaty to the legislature was prefaced, in the report, by the commissioners' statement that, "We do not now recommend any legislation which we deem 'necessary and requisite to promote or protect the interest of the State in the Public Works.'" What, then, did they want?

The report contained only three specific requests: (1) a fixed place to hold meetings, (2) "the means of properly preserving the journal we are required to keep," and (3) means to ensure that the commissioners be "furnished with the Laws of the State, and with the charters and official documents of the several companies in which the State is interested."¹⁴ With all of the rhetoric about the board's impotence, those were the only specific requests made of the legislature.

The commissioners' perception as to what the Constitutional Convention intended the scope of the board's authority to be is not totally supported by the debates in the convention, and the legislature's reluctance, if there was any, to specify or enlarge the board's duties would not have been necessarily inconsistent with the convention's intent. In particular, the statement in the commissioners' report that the framers intended them "to exercise a personal supervision—to make their reports from a personal examination of the works themselves, and to acquire a knowledge of the condition of the several companies, from a direct participation, to some extent in their affairs" finds only mixed support in the debates.¹⁵

Furthermore, in deprecating their authority the commissioners appeared to ignore their real potential for both information gathering and management influence with respect to the internal improvement companies. They voted the majority stock in the C & O Canal Company and thus selected all of the directors and, through them, the officers and employees of the company. Every important aspect of that company's affairs could ultimately be controlled by the board. In the B & O, the board selected ten of the thirty directors, Baltimore City having the power to select eight and the private stockholders twelve.

Notwithstanding their mention of the need to preserve the journals of board proceedings, the commissioners also neglected to mention that no minutes had been kept of any meetings after February 1852, although such meetings were, according to their report, actually held.

Since the commissioners' report was filed at the conclusion of the 1853 legislative session, there was no opportunity for the General Assembly to act upon any of the points raised, and the 1854 session of the legislature declined to take any action with respect to the board.

12. *Ibid.*

13. *Ibid.*

14. *Ibid.*

15. See chapter 3. Dorsey, it will be recalled, envisioned a broad and direct supervisory role for the board, but Thomas, Schley, Harbine, Tuck, and Howard saw the board's supervisory function being exercisable only through the voting of stock and, where permitted, the direct appointment of officers and directors.